

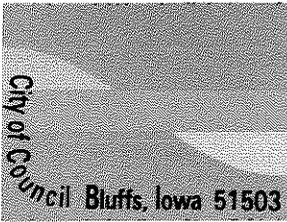
CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, February 11, 2008
3:45 P.M.**

- A. Review of Agenda
- B. **Executive Session:**
 - 1) *Pending Litigation*
 - 2) *Right of Way Acquisition*





COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING FEBRUARY 11, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

CITY CLERK
(712) 328-4616

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes.
- B. Reading correction and approval of minutes of the January 28, 2008 regular Council meeting
- C. Ordinance 5961, amending the zoning map of the city of Council Bluffs by changing the district designation of certain grounds located between Avenue a and Avenue B, from North 28th Street to North 29th Street from its present designation as R-2/Two Family Residential and R-3/Low Density Multi-Family residential to A-2/Parks, Estates and Agricultural
- D. Ordinance 5962, amending the zoning map of the City of Council Bluffs by changing the district designation of certain grounds located on the south side of Avenue A between North 28th and North 29th Street from its present designation as C-2/Commercial to R-3/Low Density Multi-Family Residential
- E. Ordinance 5964, amending Title 2 "Revenue and Finance" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Chapter 2.06 "Partial Property Tax Exemptions for Industrial Property" in its entirety
- F. Ordinance 5967, amending chapter 16.04 "Historic Preservation Commission" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 16.04.040 "Appointments"
- G. Resolution 08-30, directing the Clerk to publish notice and setting public hearing on the plans, specifications, form of contract and cost estimate for the Parkwood Circle Structure crossing for February 25, 2008 at 7:00 p.m.
- H. Resolution 08-31, directing the clerk to publish notice and setting public hearing on the plans, specifications, form of contract and cost estimate for the fiber and PTZ camera installation on February 25, 2008 at 7:00 p.m.

4. PUBLIC HEARINGS

- A. Ordinance 5968, to amend the zoning map of the City of Council Bluffs, Iowa as adopted by reference in Section 15.02.040 of the Municipal Code of Council Bluffs by changing the district designation of certain grounds between the Missouri River and Interstate 29, north of the southerly most corporate limit line, in Council Bluffs, from its present designation as A-1/Open Space, A-2/Parks, Estates and Agricultural, and I-2/General Industrial to I-3 Heavy Industrial, as set forth and defined in Chapters 15.04, 15.05, 15.21, and 15.22 of the Municipal Code of Council Bluffs
- B. Ordinance 5969, consideration of raising fees associated with the operation of recreation leagues and tournaments, swimming pools, and golf



- C. Resolution 08-32, approving the plans, specification, form of contract and cost estimate for the improvements to the East parking lot and sports field at the Council Bluffs Recreation Complex
- D. Resolution 08-33, authorizing disposal of approximately 1.6 acres of City property generally located parallel to and immediately adjacent to the eastern edge of property owned by Cohron Ready Mix LLC.
- E. Resolution 08-34, approving the plans, specification, form of contract and cost estimate for the South 32nd Street Sanitary Sewer Improvements
- F. Resolution 08-35, releasing easements conveyed by R 94-256 on October 24, 2994 on vacated property

5. ORDINANCES ON THIRD READING:

- A. Ordinance 5966, amending Chapter 4.50 "Noise Control" of the 2005 Municipal Code of Council Bluffs by repealing Section 4.50.080 "Sound levels by receiving land use" and enacting a new Section 4.50.080 "Sound levels by receiving land use"

6. RESOLUTIONS:

- A. Resolution 08-23, approving changes to the wages and benefits of Police supervisory staff in the ranks of Sergeant, Lieutenant and Captain for the period of July 1, 2008 through June 30, 2011
- B. Resolution 08-27, authorizing the Mayor to execute an agreement, recently modified for the provision of hazardous materials response services between and among the City of Council Bluffs, the Pottawattamie County Emergency Management Commission and Pottawattamie County
- C. Resolution 08-28, approving changes to the wages and benefits of Fire supervisory staff in the ranks of Assistant Fire Chief and EMS Operation officer for the period of July 1, 2008 through June 30, 2011
- D. Resolution 08-36, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Pilot Travel Center, #329 for a third violation of Iowa's tobacco laws
- E. Resolution 08-37, authorizing the Mayor to execute an agreement with Schemmer Associates for Engineering services in connection with the 10th Avenue (South Main Street to South 6th Street) and South 6th Street (9th to 10th Avenues) Reconstruction project
- F. Resolution 08-39, granting approval of tax abatement to FedEx Ground Package System, Inc. on improvements made to real property at 4406 South 19th Street in the South 19th Street Urban Revitalization Area during the 2007 tax assessment year
- G. Resolution 08-40, granting approval of tax abatement to RAH Council Bluffs, LLC on improvements made to real property at 4106 South 19th Street in the South 19th Street Urban Revitalization Area during the 2007 tax assessment year
- H. Resolution 08-41, granting an easement and conveying certain property rights in the Pearl Street and South Main Street rights-of-way adjacent to Lot 3, Block 9, Bayliss 1st addition, City of Council Bluffs, Pottawattamie County, Iowa

- I. Resolution 08-42, acknowledging the assignment of development agreements by the Council Bluffs Industrial Foundation to Tetra, LLC
- J. Resolution 08-43, establishing the effective date of Ordinance Number 5927
- K. Resolution 08-44, establishing the monetary compensation for granting an easement and conveying certain property rights in the Pearl Street and South Main Street rights-of-way adjacent to Lot 3, Block 9, Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa as approved by Resolution Number 08-20 on January 28, 2008
- L. Resolution 08-45, directing the Mayor and City Clerk to award the City's Solid Waste Collection contract to Red River Waste Solutions

7. RECEIVE AND FILE ITEMS:

- A. Resolution 08-38, setting public hearing for approval of the annual budget for Fiscal Year ending 2009 (7-1-2008 thru 6-30-2009)
- B. Letter from Mike Dahir requesting lease of City land for signage purposes
- C. Notice of Expiration of Right of Redemption, 20 Arena Way, Council Bluffs
- D. Four Notice of Claim/Loss
- E. Offer to buy City property, 3802 Twin City Drive

8. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

- A. Application for Storage Yard License, Varn's Body Shop
- B. Application for Salvage Yard License, Alter Recycling Corp
- C. Applications for renewal of liquor licenses:
 - (1) German Beer Haus 1892 LLC
 - (2) Famous Dave's Restaurant
- D. Application for new class C beer permit: Darrah's Total Inc.

9. CITIZENS REQUEST TO BE HEARD:

10. ADJOURNMENT

RECORD OF PROCEEDINGS

- CALL TO ORDER** A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan at 7:00 p.m. on Monday, January 28, 2008.
- ATTENDANCE** Council Members Present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff Present: City Attorney Richard Wade, Deputy City Clerk Marcia L. Worden.
- MAYOR'S PROCLAMATION** Mayor Hanafan presented a proclamation to Laural Ronk, Executive Director of the Bluffs Arts Council, announcing the *25th Anniversary Year of the Bluffs Arts Council*.
- CONSENT AGENDA** Walsh and Belt moved and seconded approval of the Consent Agenda as read. Unanimous.
- PUBLIC HEARINGS**
Ordinance 5961 Held Public Hearing regarding Ordinance 5961, amending the zoning map by changing the district designation of certain grounds located between Avenue A and Avenue B, from North 28th Street to North 29th Street from its present designation as R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to A-2/Parks, Estates and Agricultural. Belt and Bates moved and seconded approval of Ordinance 5961. Unanimous.
- Ordinance 5962** Held Public Hearing regarding Ordinance 5962, amending the zoning map by changing the district designation of certain grounds located on the south side of Avenue A between North 28th and North 29th Streets from its present designation as C-2/Commercial to R-3/Low Density Multi-Family Residential. Bates and Schultz moved and seconded approval of Ordinance 5962. Unanimous.
- Ordinance 5963** Held Public Hearing in regards to Ordinance 5963, amending Chapter 15.24 "Supplemental Use and Site Development Regulations" by repealing and reenacting Section 15.24.040 "Fence Regulations" and Section 15.24.070 "Height Exceptions". Walsh and Bates moved and seconded approval of Ordinance 5963. Unanimous.
- Walsh and Branigan moved and seconded waiving 3rd consideration and passed Ordinance 5963 into law. Unanimous.
- Resolution 08-19** Held Public Hearing regarding Resolution 08-19, approving the plans, specifications, form of contract and cost estimate for the 10th Avenue Storm Sewer Improvements. Belt and Walsh moved and seconded approval of Resolution 08-19. Unanimous.
- Resolution 08-20** Held Public Hearing regarding Resolution 08-20, granting an easement and conveyance of certain property rights in the Pearl Street right-of-way adjacent to Lot 3, Block 9, Bayliss 1st Addition and postponing the easement and conveyance of property rights in the South Main Street right-of-way adjacent to Lot 3, Block 8, Bayliss 1st Addition until February 11, 2008 at 7:00 p.m. Heard in favor of the easements, John LaBounty, 109 Pearl Street. Bates and Walsh moved and seconded approval of Resolution 08-20 as amended. Unanimous.

RECORD OF PROCEEDINGS

**ORDINANCES ON
SECOND READING
Ordinance 5964**

Belt and Bates moved and seconded approval of Ordinance 5964, amending Title 2 "Revenue and Finance" of the Municipal Code, by repealing Chapter 2.06 "Partial Property Tax Exemptions for Industrial Property". Unanimous.

Ordinance 5965

Branigan and Belt moved and seconded approval of Ordinance 5965, amending Chapter 1.68 "Council Bluffs Airport Authority" of the Municipal Code, by repealing Section 1.68.020 "Board" and enacting a new Section 1.68.020 "Board" to establish staggered member terms. Unanimous.

Branigan and Walsh moved and seconded waiving 3rd consideration and passed Ordinance 5965 into law. Unanimous.

Ordinance 5966

Walsh and Branigan moved and seconded approval of Ordinance 5966, amending Chapter 4.50 "Noise Control" of the Municipal Code, by repealing Section 4.50.080 "Sound levels by receiving land use" and enacting a new Section 4.50.080 "Sound levels by receiving land use".

VOICE VOTE: 4 Ayes (Bates, Branigan, Schultz, Walsh) 1 Nay (Belt).

Ordinance 5967

Walsh and Bates moved and seconded approval of Ordinance 5967, amending Chapter 16.04 "Historic Preservation Commission" of the Municipal Code, by amending Section 16.04.000 "Appointments". Unanimous.

**ORDINANCES ON
FIRST READING
Ordinance 5968**

Walsh and Bates moved and seconded the introduction of Ordinance 5968, amending the zoning map by changing the district designation of certain grounds between the Missouri River and Interstate 29, north of the southerly most corporate limit line in Council Bluffs from its present designation as A-1/Open Space, A-2/Parks, Estates and Agricultural and I-2/General Industrial, to I-3/Heavy Industrial and setting a Public Hearing for February 11, 2008 at 7:00 p.m. Unanimous.

Ordinance 5969

Walsh and Bates moved and seconded the introduction of Ordinance 5969, amending Chapter 2.08 "Schedule of Fees" of the Municipal Code, by amending Section 2.08.070 "Parks and Recreation Fees and Charges", increasing fees to address the rising costs of maintenance and fuel and future improvements and setting a Public Hearing for February 11, 2008 at 7:00 p.m. Unanimous.

**RESOLUTIONS
Resolution 07-459**

Walsh and Branigan moved and seconded tabling Resolution 07-459, authorizing the Mayor to execute an Agreement with the Historical General Dodge House, Inc. and the Historic General Dodge House Foundation, Inc. VOICE VOTE: 4 Aye (Bates, Belt, Branigan, Walsh) 1 Nay (Schultz).

Resolution 08-21

Walsh and Bates moved and seconded approval of Resolution 08-21, adopting a policy and procedure for allowing intrusions into the public pedestrian way in the C-3 and C-4 Districts. Unanimous.

Resolution 08-22

Walsh and Schultz moved and seconded approval of Resolution 08-22, approving a three year labor contract between the City of Council Bluffs and the International Association of Firefighters, Local 15. Unanimous.

RECORD OF PROCEEDINGS

Resolution 08-23 Schultz and Walsh moved and seconded postponement of Resolution 08-23 until February 11, 2008 at 7:00 p.m., to approve changes to the wages and benefits of Police supervisory staff in the ranks of Sergeant, Lieutenant and Captain for the period of July 1, 2008 through June 30, 2011.
VOICE VOTE: 4 Aye (Belt, Branigan, Schultz, Walsh) 1 Nay (Bates).

Resolution 08-24 Walsh and Belt moved and seconded amending Resolution 08-24, directing the amount to be levied shall be \$2300.00 plus an administrative fee of \$230.00, and that interest on any unpaid balance shall accrue at 100% of the maximum interest rate that is allowed pursuant to 74A.6 of the Iowa Code concerning a sanitary sewer lateral connection, and the City Clerk certify said property and assessments to the Pottawattamie County Treasurer to be collected in the same matter as a property tax. Unanimous.

Resolution 08-25 Belt and Walsh moved and seconded approval of Resolution 08-25, authorizing the Mayor and City Clerk to execute an agreement with Leazenby Construction for the South 13th Street Improvements, Phase III. Unanimous.

Resolution 08-27 Schultz and Bates moved and seconded tabling Resolution 08-27, authorizing the Mayor to execute an agreement between and among the City of Council Bluffs, the Pottawattamie County Emergency Management Commission and Pottawattamie County. Unanimous.

Resolution 08-28 Schultz and Walsh moved and seconded postponement of Resolution 08-28 until February 11, 2008 at 7:00 p.m., approving changes to the wages and benefits of Fire supervisory staff in the ranks of Assistant Fire Chief and EMS Operations Officer for the period of July 1, 2008 - June 30, 2011.
VOICE VOTE: 4 Aye (Belt, Branigan, Schultz, Walsh) 1 Nay (Bates).

RECEIVE AND FILE ITEMS Walsh and Belt moved and seconded to receive and file Items 9A – 9H as follows: A. Cash Balance Statement, December 31, 2007; B. List of Bills, December 31, 2007; C. Letter from American Legion; D. Ten Notice of Claims; E. One Notice of Right of Redemption; F. One License Application for Rubble Dump – Oak Ridge Company; G. Four License Applications for Storage Yard: 1. A-1 Lift; 2. Bluffs Check Cashing – Pawn; 3. Tom’s Auto Body; 4. Your Way Construction; H. Six License Applications for Salvage Yard: 1. Action Truck Parts; 2. Anderson Excavating Co.; 3. Cadillac John; 4. Ganeeden Metals; 5. Hi-Way 92 Salvage; 6. Ronald Peters. Unanimous.

APPLICATIONS FOR PERMITS AND CANCELLATIONS Walsh and Branigan moved and seconded approval of Items 10A(1-3) Liquor Licenses as follows: 1. Applebee’s Grill; 2. Buck’s Express #16; 3. Cellar 19 Wine and Deli.; with the exclusion of Item 10A(4), Mike’s Place and Items 10B(1-3) Cigarette Permits as follows: 1. Darrah’s Total, Inc.; 2. U-Stop #19; 3. U-Stop #20. Unanimous.

Walsh and Belt moved and seconded approval of Liquor license 10A(4), Mike’s Place.
VOICE VOTE: 2 Aye (Belt, Walsh) 3 Nay (Bates, Branigan, Schultz).

RECORD OF PROCEEDINGS

**CITIZENS
REQUESTS TO
BE HEARD**

Heard Roland Lynch, 216 Bluffs Street, in regards to the Dudley House.

Council Member Belt thanked everyone who participated in the Winterfest fishing tournament; Mayor Hanafan added with the cold winter temps there was good attendance for the fishing contest, winter golf and snow softball tournaments and Winterfest has continued to grow.

ADJOURNMENT

There being no further business before the City Council, Belt and Schultz moved and seconded to adjourn at 7:50 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Deputy City Clerk

Council Communication

Department: Community Development	Ordinance No. <u>5961</u>	City Council: 1-14-08
Case #ZC-07-018		Planning Commission: 12/11/07
Applicant: Community Development Department		First Reading: <u>January 14, 2008</u> Second Reading: <u>January 28, 2008</u> Third Reading:

Subject

Request of the Community Development Department to rezone Block 8, Evan's 2nd Bridge Addition from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to A-2/Parks, Estates and Agricultural for the proposed Trolley Park. This block is located between Avenue A and Avenue B, North 28th and North 29th Streets as shown on the attached map.

Background

The City's Park Master Plan has identified the 28th Street and Avenue A area for a new park. In 1999, the City purchased a large vacant industrial structure at 2822 Ave A (D and D Pallet Company). Then in 2003 the City purchased a second large industrial structure located at 2800 Avenue A (formerly known as the Bus Barn). Both structures have been demolished. The remediation of the underground contamination associated with these two industrial structures was performed in 2006. The City has recently acquired the two remaining (residential) structures on the block which will be demolished within the next 30 days. The development of a new neighborhood park (Trolley Park) on this block and a new 12 lot single family development (Porter's Park Side Subdivision) directly to the north are currently underway. These redevelopment activities are a positive influence on this neighborhood.

Surrounding land use is mainly residential in nature. A commercial use, Hatcher Body Shop, is located at the southwest corner of Avenue and North 28th Street. Surrounding zoning is shown on the attached map.

There has been no response from any property owner within 200 feet.

Discussion

In 1928 and 1965, this block was zoned Light Industrial and Wholesale Manufacturing respectively. The 1972 Zoning Map indicates that the northwest corner of the block was rezoned to R-2/Two Family Residential. In 1999, the remainder of the property was rezoned to R-2 and R-3/Low Density Multi-Family Residential.

The proposed rezoning will allow this block to be developed into a park as identified in the City's Park Master Plan. A layout of the proposed park is attached.

Recommendation

The Community Development Department recommends rezoning Block 8, Evan's 2nd Bridge Addition from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to A-2/Parks, Estates and Agricultural.

Public Hearing

Gayle Malmquist, Community Development Department appeared before the Planning Commission in favor of the request. No one appeared before the Planning Commission in opposition.

Planning Commission to City Council

The Planning Commission recommends rezoning Block 8, Evans's 2nd Bridge Addition from R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to A-2/Parks, Estates and Agricultural.

VOTE: Aye 9 Nay 0 Abstain 0 Absent 1 Vacant 1 Motion Carried.

Attachments: Map showing proposed rezoning area and surrounding zoning and the park layout plan.

Prepared By: Rebecca Sall, Planning Technician, Community Development Department.

30

VOA

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 5961

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED BETWEEN AVENUE "A" AND AVENUE "B", FROM NORTH 28TH STREET TO NORTH 29TH STREET IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-2/TWO FAMILY RESIDENTIAL AND R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL TO A-2/PARKS, ESTATES AND AGRICULTURAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.09, 15.10, AND 15.05 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located between Avenue "A" and Avenue "B", from North 28th Street to North 29th Street, as shown on Attachment "A", and legally described as follows:

Block 8, Evan's 2nd Bridge Addition, Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-2/Two Family Residential and R-3/Low Density Multi-Family Residential to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.09, 15.10, and 15.05 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: January 14, 2008
SECOND CONSIDERATION: January 28, 2008
PUBLIC HEARING: January 28, 2008
THIRD CONSIDERATION: _____

Planning case No. ZC-07-018

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 23rd day of January, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 23rd day of January, A.D. 2008.

Amy McKay
Daily Nonpareil Controller

Tiffany N. Schmitt
Notary Public

NOTICE OF PUBLIC HEARING
ON PROPOSED REZONING OF PROPERTY
TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a public hearing on a proposed ordinance to amend the zoning map of the City of Council Bluffs, Iowa, by changing the district designation of certain grounds, property and premises located between Avenue "A" and Avenue "B", from North 28th Street to North 29th Street, and legally described as follows:
Block 8, East's 2nd Bridge Addition, Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-27wo: Family Residential and R-31Low Density Multi-Family Residential to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 1809, 19.16, and 19.25 of Title 18 Zoning of the 2005 Municipal Code of Council Bluffs, Iowa.
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the 23rd day of January, 2008, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, IA 51503, at which time and place all persons interested in said matter will be given an opportunity to be heard.
Juan Rodriguez, City Clerk
2008 (1) 23 - 1 Weemsday

Filed this 23rd day of January, A.D. 2008.
Publication Cost: \$ 15.06

5A



Customer Number: 35700
Order Number: 20174293

Council Communication

Department: Community Development	Ordinance No. <u>5962</u>	City Council: 1-14-07 Planning Commission: 12/11/07 First Reading: January 14, 2008 Second Reading: <u>January 28, 2008</u> Third Reading:
Case #ZC-07-019		
Applicant: Community Development Department		

Subject

Request of the Community Development Department to rezone Lots 3 through 9, Block 1, Evan's Bridge Addition from C-2/Commercial to R-3/Low Density Multi-Family Residential. These lots are located on the south side of Avenue A, between North 28th and North 29th Streets, as shown on the attached map.

Background

The Community Development Department is requesting rezoning of the above described property in order to rezone a vacant, City owned lot (Lot 4) to a residential classification so that it can be sold and developed with a residential structure. The proposed rezoning will also bring five existing residential structures into compliance with the Zoning Ordinance.

Land uses surrounding the subject property include various commercial uses to the east and south, residential use to the west and vacant property to the north. Surrounding zoning is shown on the attached map.

One property owner included in the rezoning is opposed. Charles Peterson, 2833 Avenue A, wishes his property to remain C-2 because he runs a business out of his home. There has been no response from any property owner within 200 feet.

Discussion

In 1928 and 1965, this block was zoned Light Industrial and Wholesale Manufacturing respectively. The block was rezoned to C-2/General Commercial in 1999.

The proposed rezoning will bring five residential uses into compliance with the Zoning Ordinance and will allow the vacant City owned lot to be developed with a residential structure.

The proposed rezoning is an extension of the existing R-3 zoning to the northeast and northwest and is consistent with the future land use map of the 1994 Comprehensive Plan.

Recommendation

The Community Development Department recommends rezoning Lots 3 through 9, Block 1, Evan's Bridge Addition from C-2/Commercial to R-3/Low Density Multi-Family Residential.

Public Hearing

Gayle Malmquist, Community Development Department appeared before the Planning Commission in favor of the request. No one appeared before the Planning Commission in opposition.

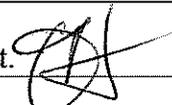
Planning Commission to City Council

The Planning Commission recommends rezoning Lots 3 through 9, Block 1, Evan's Bridge Addition from C-2/Commercial to R-3/Low Density Multi-Family Residential.

VOTE: Aye 9 Nay 0 Abstain 0 Absent 1 Vacant 1 Motion Carried.

Attachments: Map showing proposed rezoning area and surrounding zoning.

Prepared By: Rebecca Sall, Planning Technician, Community Development Department.



Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 5962

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED ON THE SOUTH SIDE OF AVENUE "A" BETWEEN NORTH 28TH AND NORTH 29TH STREETS IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS C-2/COMMERCIAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.15 AND 15.10 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located on the south side of Avenue "A", between North 28th and North 29th Streets, as shown on the attachment, and legally described as follows:

Lots 3 through 9, Block 1, Evan's Bridge Addition, Council Bluffs, Pottawattamie County, Iowa,

from its present designation as C-2/Commercial to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 15.15 and 15.10 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED

THOMAS P. HANAFAN

Mayor

Attest:

JUDITH RIDGELEY

City Clerk

FIRST CONSIDERATION: January 14, 2008

SECOND CONSIDERATION: January 28, 2008

PUBLIC HEARING: January 28, 2008

THIRD CONSIDERATION: _____

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

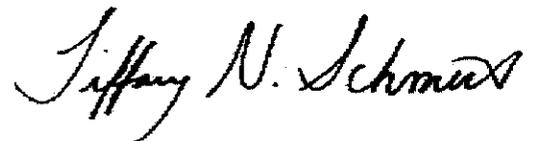
The first publication thereof

began on the 22nd day of January, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 22nd day of January, A.D. 2008.



Amy McKay
Daily Nonpareil Controller



Tiffany N. Schmitt
Notary Public

NOTICE OF PUBLIC HEARING ON PROPOSED REZONING OF PROPERTY TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a public hearing on a proposed ordinance to amend the zoning map of the City of Council Bluffs, Iowa, by changing the district designation of certain grounds, property and premises located on the south side of Avenue "A", between North 28th and North 29th Streets and legally described as follows:
Lots 3 through 9, Block 1, Evans Bridge Addition, Council Bluffs, Pottawattamie County, Iowa.
From its present designation as C-2/Commercial to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 19.19 and 19.10 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the 22nd day of January, 2008, in the City Council Chambers in the City Hall building, 208 Pearl Street, Council Bluffs, IA 51503, at which time and place all persons interested in said matter will be given an opportunity to be heard.
Justin Hildegery, City Clerk
Planning Case No. ZC-07-019
2008 (J) 22 - 1, Tuesday

Filed this 22nd day of January, A.D. 2008.
Publication Cost: \$ 15.56



Customer Number: 35700

Order Number: 20173652

5B

Council Communication
January 14, 2008 City Council Meeting

Department: Community Development Case/Project No.: N/A	Ordinance No.: <u>5964</u> Resolution No.:	First Reading: <u>01/14/08</u> Second Reading: <u>1/28/08</u> Third Reading: Public Hearing:
Subject/Title		
Repeal of Municipal Code Chapter 2.06 "Partial Property Tax Exemptions for Industrial Property"		
Background/Discussion		
<u>Background</u> In 1980, the Iowa Legislature adopted legislation permitting cities to enact ordinances granting partial property tax exemptions to industrial properties upon which improvements have been made. As a result, City Council adopted Ordinance No. 4319 on May 12, 1980 establishing "Partial Property Tax Exemptions for Industrial Property." This ordinance provided a partial exemption of property taxes for a period of five years (75% - year 1, 60% - year 2, 40% - year 3, 30% - year 4 and 15% - year 5). This ordinance was later amended by Ordinance No. 5427 on November 9, 1998 adding additional uses such as research service facilities, warehouse and distribution centers.		
<u>Discussion</u> This chapter for property tax exemption has been used on a very limited basis and staff recommends repealing the ordinance. Concerning to staff is the fact that this exemption doesn't give the City any control over development, potentially leading to inadequately served or undesirable development. Currently, an eligible property owner would make a direct application to the County Assessor's Office. Property tax abatement can be provided to eligible projects through a variety of other programs, such as urban renewal, urban revitalization and enterprise zone. Not only do these programs offer more flexibility on incentives, they also have a more substantive review process to better ensure sustainable development.		
Staff Recommendation		
The Community Development Department recommends repeal of the Municipal Code Chapter 2.06 "Partial Property Tax Exemptions for Industrial Property."		
Attachments		
Ordinance and Municipal Code Chapter 2.06		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
 Approved by: Donald D. Gross, Director, Community Development Department



ORDINANCE NO. 5964

AN ORDINANCE to amend Title 2 "Revenue and Finance" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Chapter 2.06 "Partial Property Tax Exemptions for Industrial Property" in its entirety.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Title 2 "Revenue and Finance" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Chapter 2.06 "Partial Property Tax Exemptions for Industrial Property", in its entirety.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: January 14, 2008
Second Consideration: January 28, 2008
Public Hearing: n/a
Third Consideration: _____

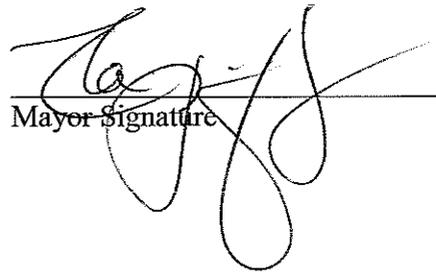
Council Communication

Department: Legal Case/Project No. Applicant.	Ordinance No. Resolution No. <u>5967</u>	First Reading <u>01/14/08</u> Second Reading Third Reading _____
Subject/Title		
<p>Ordinance amending Chapter 16.04 "Historic Preservation Commission", to allow for its members to reside anywhere in Pottawattamie County if they own property within a locally-designated historical district within the city of Council Bluffs.</p>		
BACKGROUND		
<p>Currently, Section 16.04.040 of the Council Bluffs Municipal Code requires that all appointments to the Historic Preservation Commission be residents of the City. The Commission recently endorsed an amendment to this requirement that would allow a resident of Pottawattamie County to be a Commission member if they own property that is located within a locally-designated historical district.</p>		
Recommendation		
<p>It is the recommendation of the Historic Preservation Commission that Section 16.04.040 be amended to allow this change in qualifications.</p>		

Richard Wade



Department Head Signature



Mayor Signature

B F

ORDINANCE NO. 5967

AN ORDINANCE to amend Chapter 16.04 “Historic Preservation Commission” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 16.04.040 “Appointments”.

BE IT ORDAINED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 16.04 “Historic Preservation Commission” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 16.04.040 “Appointments” and enacting a new Section 16.04.040 “Appointments”, to read as follows:

“16.04.040 Appointments. All appointments to the commission shall be made by the mayor, with the approval of the city council as follows:

- (1) The seven members shall be appointed from the duly registered electors residing within the city of Council Bluffs, or registered electors residing in Pottawattamie County that own real property within the city limits of Council Bluffs.
- (2) In making appointments to the commission the mayor shall take the following factors into consideration: historical expertise, expertise in historical architectural styles, expertise in land economics, expertise in engineering, expertise in architecture, expertise in preservation, expertise in law, expertise in real estate, expertise in building restoration, membership in historical society, membership in preservation group, duly licensed in architecture or residence within a historical district, or ownership of property in a historical district.
- (3) At least one member of the commission shall be a person who does not necessarily possess any of the factors as set forth in subsection (2) of this section.”

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed. These are Ord. 5531 § 5, 2000 and Ord. 5148 § 1 (part), 1993.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: January 14, 2008
Second Consideration: January 28, 2008
Public Hearing: _____
Third Consideration: _____

RESOLUTION
NO. 08-30

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
PARKWOOD CIRCLE STRUCTURE CROSSING
FY08-06B**

WHEREAS, the City wishes to make improvements known as the Parkwood Circle Structure Crossing, within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the Iowa Department of Transportation, Ames, Iowa.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Parkwood Circle Structure Crossing setting February 25, 2008, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED February 11, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY07-9B
Applicant _____

Ordinance No. _____
Resolution No. 08-31

Council Action February 11, 2008

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on February 25, 2008, for project FY07-09B, Fiber and PTZ Camera Installation. IDOT Project No. ITS-1642(646)--25-78.

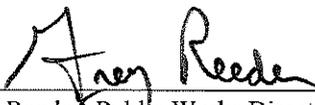
BACKGROUND/DISCUSSION

- The Federal Highway Administration (FHWA) has designated federal funding for the implementation of Intelligent Transportation System (ITS) technologies.
- ITS utilizes information and communication technologies to improve transportation system efficiencies. The applications include roadway management, incident management, emergency management, traveler information, and road weather.
- The project involves the design and construction of a video camera system and fiber optic/wireless communications to monitor interstate/arterial vehicle traffic near the Mid-America Arena/Convention Center in Council Bluffs. The ability to monitor traffic on a real time basis will assist in traffic management during arena events and crash incidents as well as during the planned interstate reconstruction. Five pan/tilt/zoom cameras will be installed at the following locations:
 - Nebraska Avenue / I-29 Interchange
 - Bass Pro Drive (33rd Street) and 23rd Avenue
 - South 24th Street and 23rd Avenue
 - South 24th Street and I-29/I-80 Interchange
 - South 24th Street and US 275
- Proposed video coverage includes:
 - I-29 between the UPRR trestle and the west I-80/I-29 system interchange
 - I-80/I-29 between Indian Creek and the west I-80/I-29 system interchange
 - South 24th Street between 23rd Avenue and south of I-80/I-29 interchange
 - 35th Street/23rd Avenue between Nebraska Avenue and South 24th Street
- Fiber optics will be installed along 24th Street, 23rd Avenue, 35th Street, and West Broadway. Also on 2nd Avenue from 19th Street to Downtown.

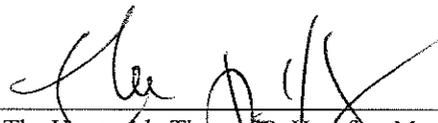
- Camera video feeds using new fiber optic communications will be provided to the City Traffic Operations Center (TOC) at 1901 2nd Avenue, City Hall, Pottawattamie County Court House and the IDOT Engineering Office at Broadway/Main Street. Wireless communications will be utilized to provide communications with the local IDOT maintenance shops located at 35th Street/South Expressway and on the North 25th Street extension. The long term plan will allow for placing the video images on the internet and providing a connection to the joint NDOR/IDOT ITS Traffic Management Center.
- The IDOT agreement provides for \$305,000 in state and federal ITS funds. The IDOT will fund approved costs exceeding the budget.
- The city is responsible for contracting the design and construction.
- The project has been added to the CIP on project no. FY07-09B.

RECOMMENDATION

Approval of this resolution.



Greg Reeder, Public Works Director/City Engineer



The Honorable Thomas P. Harafan, Mayor

RESOLUTION
NO. 08-31

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
FIBER AND PTZ CAMERA INSTALLATION
FY07-09B**

WHEREAS, the City wishes to make improvements known as the Fiber and PTZ Camera Installation project, within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the Iowa Department of Transportation, Ames, Iowa.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Fiber and PTZ Camera Installation project setting February 25, 2008, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED February 11, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

<p>Department: Community Development</p> <p>Case #ZC-08-001</p> <p>Applicant: Community Development Department</p>	<p style="text-align: center;">Ordinance No. <u>5968</u></p>	<p>City Council: 1/28/08 Planning Commission: 01/08/08 First Reading: <u>01/28/2008</u> Second Reading: Third Reading:</p>
Subject		
<p>Request of the Community Development Department to rezone the Walter E. Scott, Jr. Energy Center, along with MidAmerican owned property to the north and west and located in part of the SE¼ SE¼ of Section 24-74-44, part of the E½ NE¼ and part of the NE¼ SE¼ of Section 25-74-44, part of the S½ SW¼ of Section 19-74-43, the NW¼ and part of the SW¼ of Section 30-74-43 from A-1/Open Space, A-2/Parks, Estates and Agricultural, and I-2/General Industrial to I-3/Heavy Industrial. (General location: Between the Missouri River and Interstate 29, north of the southerly most corporate limit line.)</p>		
Background		
<p>Iowa Power and Light/MidAmerican Energy have been in operation at the south Manawa site since 1954. When annexed into the City in 1969, the property was mostly zoned GM/General Manufacturing (currently I-2/General Industrial), with the exception of an area north of the plant, which was, zoned A-2 and the area south of Mosquito Creek which was zoned C-2/General Commercial. In 1997, in an effort to correct and update the zoning map, the industrial zoning was expanded to the north and south to its present I-2 boundary.</p> <p>On December 10, 2007, Ordinance No. 5958 was adopted which added “electric utility generation facility” as a principal use in the I-3 district. The I-3 district is intended to provide areas of the City for activities and uses of a heavy industrial character and is designed to accommodate industrial uses, which have significant external effects. As such, the designation of I-3 should be reserved for isolated industrial areas with significant distance from existing and proposed residential uses.</p> <p>On December 10, 2007, the City Council adopted Resolution No. 07-425 approving voluntary annexation of approximately 424 acres of land directly east of the Walter E. Scott, Jr. Energy Center and abutting the City’s southeast corporate boundary. The majority of the annexed property is owned by MidAmerican. As part of the voluntary annexation, MidAmerican and the City entered into a development agreement, which calls, in part, for the energy center to be rezoned to I-3/Heavy Industrial. Although this action applies only to MidAmerican property currently within the corporate limits prior to annexation, the City will initiate rezoning of the recently annexed property upon notice of approval of the Secretary of State.</p>		
Discussion		
<p>Land uses to the north and east of the area proposed for rezoning are generally vacant or agricultural in nature. The Council Bluffs sewage treatment plant lies to the south. There are two residential uses approximately 900 feet north of the north rezoning line, but both of those are owned by MidAmerican. There is a privately owned residential property approximately 1,600 feet north of the north rezoning line. Lakewood Villa and Eagle Trail Subdivisions are approximately 3,300 feet to the north. There are also residential uses approximately 2,700 and 5,200 feet to the east of the east rezoning line. Surrounding zoning is shown on the attached map. There has been no response from any property owner within 200 feet.</p> <p>The subject property is served by sanitary sewer and a 16-inch water main, which runs north/south through the area. The site is served by Navajo Street to the north and 189th Street to the south.</p> <p>All of the property included in the proposed rezoning area is owned by MidAmerican Energy.</p>		

Recommendation

The Community Development Department recommends rezoning the Walter E. Scott, Jr. Energy Center, along with MidAmerican owned property to the north and west as described above, from A-1/Open Space, A-2/Parks, Estates and Agricultural, and I-2/General Industrial to I-3/Heavy Industrial for the following reasons:

1. MidAmerican Energy recently completed a significant expansion. The majority of the property included in the rezoning has been used as an electric generation facility since 1954. The area was annexed into the city in 1969.
2. The area is served with adequate utilities and road access.
3. Adequate distance exists between the residential areas to the north and the subject property.
4. The subject property and proposed development to the south and east is planned to be industrial and heavy industrial in nature.
5. Much of the land to the north of the north rezoning line is controlled by the State of Iowa as Lake Manawa State Park and an interstate borrow area. The likelihood of further industrial development to the north or residential development to the south is highly unlikely so the existing separation of uses will be maintained.

Public Hearing

Gayle Malmquist, Community Development Department appeared before the Planning Commission in favor of the request. No one appeared in opposition.

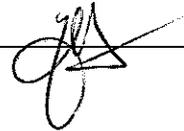
Planning Commission to City Council

The Planning Commission recommends rezoning 420.2 acres as described separately from A-1/Open Space (Tract 3), A-2/Parks, Estates and Agricultural (Tract 2), and I-2/General Industrial (Tract 1) to I-3/Heavy Industrial(Combination Tracts 1, 2 and 3).

VOTE: Aye 8 Nay 0 Abstain 0 Absent 2 Vacant 1 Motion Carried.

Attachments: Map showing proposed rezoning area and surrounding zoning.

Prepared By: Rebecca Sall, Planning Technician, Community Development Department



A-1

A-2

A-2

A-2

CITY LIMITS

A-3
(County)

INTERSTATE 29

A-3
(County)

A-1

A-1

MidAmerican
Energy

I-2

ANNEXATION PENDING

(Upon approval of Secretary of State)

MIDAMERICAN PROPERTY TO
BE REZONED TO (S)HEAVY INDUSTRIAL

CITY LIMITS

I-2
(County)

I-2
(County)



CASEZC-08-001

hym Associates, Inc. is a registered professional engineering firm in the State of Iowa. The services of hym Associates, Inc. are provided to the client under the supervision of a Professional Engineer in the State of Iowa. The services of hym Associates, Inc. are provided to the client under the supervision of a Professional Engineer in the State of Iowa.

hym
ASSOCIATES, INC.
640 PETH AVENUE COUNCIL BLUFFS, IOWA
PHONE: (712) 325-0230

DATE: _____
DRAWN BY: _____
CHECKED BY: _____
APPROVED BY: _____
DATE: _____

PROJECT: ZONING EXHIBIT
SECTION 19 AND 20, TYPICAL PLANNING SECTION 28 AND 29, TYPICAL
CITY OF COUNCIL BLUFFS PLANNING DEPARTMENT
209 PEARL STREET, COUNCIL BLUFFS, IA 50803

1 OF 2
DATE: _____
PROJECT NO: 15107



LEGAL DESCRIPTION – TRACT 1

A PARCEL OF LAND BEING ALL OF THE EAST HALF OF THE SOUTHWEST QUARTER, ALL OF THE SOUTH HALF OF THE NORTHWEST QUARTER, A PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER ALL IN SECTION 30, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN AND A PORTION OF THE EAST HALF OF THE EAST HALF OF SECTION 25, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 30;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER AND IT'S NORTHERLY PROLONGATION, NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 3963.76 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE NORTHWEST QUARTER;

THENCE ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER, NORTH 88 DEGREES 16 MINUTES 52 SECONDS WEST, 2420.11 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 25;

THENCE ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, NORTH 01 DEGREE 11 MINUTES 37 SECONDS EAST, 57.42 FEET;

THENCE NORTH 61 DEGREES 22 MINUTES 04 SECONDS WEST, 832.88 FEET;

THENCE SOUTH 21 DEGREES 49 MINUTES 55 SECONDS EAST, 514.38 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE WESTERLY, TO WHICH POINT A RADIAL LINE BEARS NORTH 73 DEGREES 04 MINUTES 35 SECONDS EAST, 499.23 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26 DEGREES 13 MINUTES 39 SECONDS, 228.53 FEET;

THENCE SOUTH 09 DEGREES 04 MINUTES 00 SECONDS WEST, 215.63 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 1018 FEET, MORE OR LESS, TO A POINT ON THE NORTHEASTERLY HIGH BANK OF THE MISSOURI RIVER;

THENCE SOUTHEASTERLY, ALONG SAID NORTHEASTERLY HIGH BANK, 2697 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID SECTION 30;

THENCE ALONG SAID SOUTH LINE, SOUTH 87 DEGREES 36 MINUTES 22 SECONDS EAST, 2091.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 238.6 ACRES, MORE OR LESS.

LEGAL DESCRIPTION – TRACT 2

A PARCEL OF LAND BEING ALL OF THE NORTH HALF OF THE NORTHWEST QUARTER AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER AND A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN AND A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24 AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE NORTHWEST QUARTER;

THENCE ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER, NORTH 88 DEGREES 16 MINUTES 52 SECONDS WEST, 2420.11 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 30;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, NORTH 01 DEGREE 11 MINUTES 37 SECONDS EAST, 57.42 FEET;

THENCE NORTH 61 DEGREES 22 MINUTES 04 SECONDS WEST, 1472.06 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER;

THENCE ALONG SAID WEST LINE AND IT'S NORTHERLY PROLONGATION, NORTH 01 DEGREE 53 MINUTES 08 SECONDS EAST, 1290.76 FEET;

THENCE SOUTH 84 DEGREES 53 MINUTES 54 SECONDS EAST, 1312.72 FEET;

THENCE SOUTH 84 DEGREES 57 MINUTES 45 SECONDS EAST, 66.13 FEET;

THENCE SOUTH 84 DEGREES 53 MINUTES 47 SECONDS EAST, 2283.89 FEET;

THENCE NORTH 00 DEGREES 46 MINUTES 24 SECONDS EAST, 133.52 FEET;

THENCE NORTH 68 DEGREES 36 MINUTES 14 SECONDS EAST, 208.06 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MOSQUITO CREEK;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

1. SOUTH 01 DEGREE 30 MINUTES 51 SECONDS EAST, 693.39 FEET;
2. SOUTH 13 DEGREES 20 MINUTES 39 SECONDS WEST, 820.61 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 30;

THENCE ALONG SAID EAST LINE, SOUTH 00 DEGREES 46 MINUTES 21 SECONDS WEST, 517.46 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 155.1 ACRES, MORE OR LESS.

LEGAL DESCRIPTION – TRACT 3

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER AND A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 25, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 25;

THENCE ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER, NORTH 01 DEGREE 53 MINUTES 08 SECONDS EAST, 722.28 FEET;

THENCE SOUTH 61 DEGREES 22 MINUTES 05 SECONDS EAST, 639.18 FEET;

THENCE SOUTH 21 DEGREES 49 MINUTES 55 SECONDS EAST, 514.38 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE WESTERLY, TO WHICH POINT A RADIAL LINE BEARS NORTH 73 DEGREES 04 MINUTES 35 SECONDS EAST, 499.23 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26 DEGREES 13 MINUTES 39 SECONDS, 228.53 FEET;

THENCE SOUTH 09 DEGREES 04 MINUTES 00 SECONDS WEST, 215.63 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 1018 FEET, MORE OR LESS, TO A POINT ON THE NORTHEASTERLY HIGH BANK OF THE MISSOURI RIVER;

THENCE NORTHWESTERLY, ALONG SAID NORTHEASTERLY HIGH BANK, 1244 FEET, MORE OR LESS TO A POINT ON THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER;

THENCE ALONG SAID WEST LINE, NORTH 01 DEGREE 53 MINUTES 08 SECONDS EAST, 548.14 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 26.5 ACRES, MORE OR LESS.

LEGAL DESCRIPTION – COMBINATION TRACTS 1, 2 AND 3

A PARCEL OF LAND BEING A PORTION OF SECTIONS 19 AND 30 IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN AND A PORTION OF SECTIONS 24 AND 25 IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 30, NORTH 87 DEGREES 36 MINUTES 22 SECONDS WEST, 2091.92 FEET, TO A POINT ON THE NORTHEASTERLY HIGH BANK OF THE MISSOURI RIVER;

THENCE NORTHWESTERLY, ALONG SAID NORTHEASTERLY HIGH BANK, 3941 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25;

THENCE ALONG SAID WEST LINE AND IT'S NORTHERLY PROLONGATION, NORTH 01 DEGREE 53 MINUTES 08 SECONDS EAST, 2561.18 FEET;

THENCE SOUTH 84 DEGREES 53 MINUTES 54 SECONDS EAST, 1312.72 FEET;

THENCE SOUTH 84 DEGREES 57 MINUTES 45 SECONDS EAST, 66.13 FEET;

THENCE SOUTH 84 DEGREES 53 MINUTES 47 SECONDS EAST, 2283.89 FEET;

THENCE NORTH 00 DEGREES 46 MINUTES 24 SECONDS EAST, 133.52 FEET;

THENCE NORTH 68 DEGREES 36 MINUTES 14 SECONDS EAST, 208.06 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MOSQUITO CREEK;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

1. SOUTH 01 DEGREE 30 MINUTES 51 SECONDS EAST, 693.39 FEET;
2. SOUTH 13 DEGREES 20 MINUTES 39 SECONDS WEST, 820.61 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 30;

THENCE ALONG SAID EAST LINE, SOUTH 00 DEGREES 46 MINUTES 21 SECONDS WEST, 517.46 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 30;

THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND IT'S SOUTHERLY PROLONGATION, SOUTH 00 DEGREES 48 MINUTES 03 SECONDS WEST, 3963.76 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 420.2 ACRES, MORE OR LESS.

ORDINANCE NO. 5968

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY BETWEEN THE MISSOURI RIVER AND INTERSTATE 29, NORTH OF THE SOUTHERLY MOST CORPORATE LIMIT LINE, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS A-1/OPEN SPACE, A-2/PARKS, ESTATES AND AGRICULTURAL, AND I-2/GENERAL INDUSTRIAL, TO I-3/HEAVY INDUSTRIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.04, 15.05, 15.21, AND 15.22 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located between the Missouri River and Interstate 29, north of the southerly most corporate limit line, as follows:

Tract 1, from I-2/General Industrial to I-3/Heavy Industrial;
Tract 2, from A-2/Parks, Estates and Agricultural to I-3/Heavy Industrial; and
Tract 3, from A-1/Open Space to I-3/Heavy Industrial.

See attachments for complete legal descriptions.

ORDINANCE NO. 5968

PAGE TWO

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: January 28, 2008
SECOND CONSIDERATION: February 11, 2008
PUBLIC HEARING: February 11, 2008
THIRD CONSIDERATION: _____

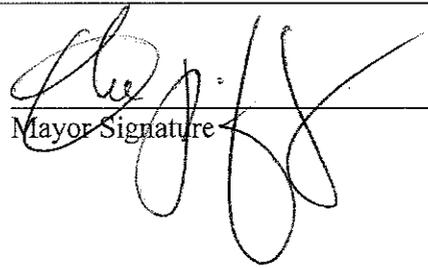
Planning Case No. ZC-08-001

Council Communication

Department: Parks, Recreation and Public Property Department Case/Project No. Applicant: Ronald Hopp	Ordinance No. Resolution No. <u>5969</u>	First Reading _____ Second Reading _____ Third Reading _____																								
Subject/Title																										
City Council consideration of raising fees associated with the operation of recreation leagues and tournaments, swimming pools, and golf.																										
Background/Discussion																										
After receiving questions about the fees associated with of ball field light usage, staff contacted Mid-American Energy to review rates and worked with an electric company to determine the actual energy consumption of the lights. After having researched this information, it appears that we can make an adjustment to the original recommendation. The original recommendation and new recommendations are as follows:																										
<p><u>Baseball/Softball Light Fees</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Old: CBRC Fields 1-6, 10</td> <td style="width: 30%;">\$60.00 per day</td> <td style="width: 40%;"></td> </tr> <tr> <td> CBRC Fields 7, 8, 9</td> <td>\$80.00 per day</td> <td></td> </tr> <tr> <td> Non-CBRC Fields</td> <td>\$60.00 per day</td> <td></td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>New: Fields 1-4</td> <td>\$30.00 per day</td> <td></td> </tr> <tr> <td> Fields 5, 6</td> <td>\$20.00 per day</td> <td></td> </tr> <tr> <td> Fields 7-10</td> <td>\$60.00 per day</td> <td></td> </tr> <tr> <td> Non-CBRC Fields</td> <td>No change from previously approved fee (\$26.75)</td> <td></td> </tr> </table>			Old: CBRC Fields 1-6, 10	\$60.00 per day		CBRC Fields 7, 8, 9	\$80.00 per day		Non-CBRC Fields	\$60.00 per day					New: Fields 1-4	\$30.00 per day		Fields 5, 6	\$20.00 per day		Fields 7-10	\$60.00 per day		Non-CBRC Fields	No change from previously approved fee (\$26.75)	
Old: CBRC Fields 1-6, 10	\$60.00 per day																									
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Fields 5, 6	\$20.00 per day																									
Fields 7-10	\$60.00 per day																									
Non-CBRC Fields	No change from previously approved fee (\$26.75)																									
Recommendation																										
I recommend approval of the fee increases.																										



 Department Head Signature



 Mayor Signature



DODGE RIVERSIDE GOLF CLUB
(712) 328-4660

DODGE RIVERSIDE GOLF CLUB

INTER-OFFICE MEMO

FEBRUARY 4, 2008

To: Ron Hopp
From: Tom Potvin, Head Golf Professional
Subject: 2008 Green Fees

Our walking fee the last few years has been higher than some of the area courses. We have always been considered one of the easiest courses in the area to walk. For those who like to walk it is worth the extra money. Combine that with the excellent shape of our course and I think we are well worth it. The rate proposed for the 9 and 18 hole walkers is the same as last year. We have never heard anyone question our walking prices compared to others so I cannot see lowering those fees at this time.

In regards to our junior rates, I feel we need to keep them as low as possible. The proposed rate is a dollar higher than last year for both 9 and 18. We are considerably lower than privately owned courses but reasonable compared to the Omaha municipal courses. We have very little junior play other than our high school programs. My staff has worked very hard to change that with our junior program which has attracted over a hundred participants a year for the past three years. These juniors are not only from our city but also many surrounding communities. I feel as the only municipal course in Council Bluffs we need to encourage the parents to bring their children out to the course and spend quality time with them. After all they will determine the future success of golf.



GOLF FEE PRICE COMPARISON SHEET

2008

<u>WEEKDAY RATES</u> (P/P)	<u>DODGE RIVERSIDE</u>	<u>OMAHA MUNICIPALS</u>	<u>FOX RUN</u>	<u>SHORELINE</u>
18 HOLES W/CART	30.00	30.00		30.00
18 HOLES WALKING	20.00	18.00		18.50
9 HOLES W/CART	21.00	19.50		20.00
9 HOLES WALKING	14.00	12.00		12.50
18 HOLES W/CART (SENIOR)	21.00	19.50		19.25
18 HOLES WALKING (SENIOR)	14.00	12.00		13.25
9 HOLES W/CART (SENIOR)	17.00	19.50		19.25
9 HOLES WALKING (SENIOR)	12.00	12.00		12.50
18 HOLES WALKING (JUNIOR)	12.00	19.50		19.25
9 HOLES WALKING (JUNIOR)	7.00	12.00		12.50
9 HOLES W/CART (LEAGUE)	21.00	19.50		20.00
9 HOLES WALKING (LEAGUE)	14.00	12.00		12.50
18 HOLES W/CART (OUTING)	28.00	N/A	N/A	N/A
9 HOLES W/CART (OUTING)	20.00	N/A	N/A	N/A

WEEKEND RATES (P/P)

18 HOLES W/CART	35.00	36.00		36.50
18 HOLES WALKING	24.00	24.00		25.00
9 HOLES W/CART	24.00	22.50		22.50
9 HOLES WALKING	16.00	15.00		15.00
18 HOLES W/CART (OUTING)	33.00	N/A	N/A	N/A
9 HOLES W/CART (OUTING)	23.00	N/A	N/A	N/A

ORDINANCE NO. 5969

AN ORDINANCE to amend Chapter 2.08 "Schedule of Fees" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 2.08.070 "Parks and Recreation Fees and Charges", increasing fees to address the rising costs of maintenance and fuel, and future improvements.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 2.08 "Schedule of Fees" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 2.08.070 "Parks and Recreation Fees and Charges" and enacting a new section to be codified the same, to read as follows:

2.08.070 Parks and Recreation Fees and Charges.

Dodge Riverside Golf Course (All fees include tax)

Weekday Rates (Per Person)

18 Holes w/Cart	29.00 <u>30.00</u>
18 Holes Walking	20.00

9 Holes w/Cart	20.00 <u>21.00</u>
9 Holes Walking	14.00

18 Holes w/Cart (Senior)	20.00 <u>21.00</u>
18 Holes Walking (Senior)	13.00 <u>14.00</u>

9 Holes w/Cart (Senior)	16.00 <u>17.00</u>
9 Holes Walking (Senior)	11.00 <u>12.00</u>

18 Holes Walking (Junior)	11.00 <u>12.00</u>
9 Holes Walking (Junior)	6.00 <u>7.00</u>

9 Holes w/Cart (League)	20.00 <u>21.00</u>
9 Holes Walking (League)	14.00

18 Holes w/Cart (Outing) (Merchandise fee)	27.00 <u>28.00</u>
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9 Holes w/Cart (Outing) (Merchandise fee)	19.00 <u>20.00</u>
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Weekend Rates (Per Person)

18 Holes w/Cart	33.00 <u>35.00</u>
18 Holes Walking	22.00 <u>24.00</u>
9 Holes w/Cart	22.00 <u>24.00</u>
9 Holes Walking	16.00
18 Holes w/Cart (Outing) (Merchandise fee)	31.00 <u>33.00</u>
9 Holes w/Cart (Outing) (Merchandise fee)	21.00 <u>23.00</u>

- Seniors are considered to be 60 years of age or older.
- Juniors are considered to be 17 years of age or younger.
- Carts are required for all outings
- Holiday rates are the same as weekend rates
- Senior and Junior rates are not available on weekends or holidays

*Special rates may be offered based upon weather, course conditions, or time of year. Examples include, but are not limited to Fall rates, afternoon rates, twilight rates, and are subject to Parks and Recreation Director approval.

Published outing fee will be \$31.00 per person, including cart, for outings with 32 or more on weekends, and \$27.00 on weekdays. Outings less than 32 will be the normal green fee rate. The published outing fee will be negotiable based upon size, time of day, time of year, or day of week, subject to Parks and Recreation Director approval.

Westwood Park Golf Course (All fees include tax)

Weekday and Weekend Rates (Per Person)

18 Holes Walking	11.00
9 Holes Walking	8.00
18 Holes Walking (Senior)	9.00
9 Holes Walking (Senior)	6.00
18 Holes Walking (Junior)	9.00
9 Holes Walking (Junior)	6.00

- Seniors are considered to be 60 years of age or older.
- Juniors are considered to be 17 years of age or younger.
- There are no motorized carts at Westwood
- Senior and Junior rates are available on weekends or holidays

Dodge Park/Westwood - Summer Junior Pass

Adult	75.00
Senior adult	55.00
Family	140.00
Day Pass	
Youth	3.00
Adult	7.00
Family	10.00

Adult Softball (Team Fee):

Single Game League	275.00
Double Header League	400.00
Two Night Double Header League	600.00
Fall League	150.00

Instructional Youth Baseball and Softball (Individual Fee):

Blast Ball, Tee Ball, Buddy Baseball, Co-Ed and Girls Infield Machine Pitch	20.00 <u>25.00</u>
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Youth Fast Pitch and Baseball (Team Fee):

Junior Fast Pitch	350.00
Senior Fast Pitch	390.00
10 and Under	350.00
12 and Under	350.00
14 and Under	390.00

Tournament Field and League Rental Fees

Youth and Adult Softball and Baseball	32.10/field/day 10.70/team
	26.75/field for lights.

Soccer Tournament Field and League Rental Fees

~~U6: \$ 21.40/field U8: \$32.10/field U10: \$42.80/field U12/U13: \$53.50 field~~
~~\$10.70/per team~~

Non-CBRC Field Rental Fees

Baseball and softball fields	50.00/field/day (no team fees)
Lights	60.00/field/day

Council Bluffs Recreation Complex Rental Fees

Baseball/Softball

Fields #1-6, 10	70.00/day
Fields #7, 8, 9	100.00/day

Baseball/Softball – Lights

Fields #1-6, 10	60.00/day
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Fields #7, 8, 9 80.00/day

Tournament Fee (6+ fields/day)

Monday-Thursday 300.00/day

Friday-Sunday 600.00/day

Soccer Fields

U12 13/14 70.00/field/day

U10 45.00/field/day

U8 35.00/field/day

U6 25.00/field/day

Soccer Team Fee 15.00/team

Tournament Fee 500.00

Field Reconfiguration Fee 500.00

CBYSA Game Fee 10.00/game

Practice Permits

For parks and recreation league teams, fees are:

½ Soccer Field, Baseball Field, Tennis Court 3.50

Entire soccer field 5.00

For non-Parks and Recreation league teams, fees are:

½ Soccer Field, Baseball Field, Tennis Court 7.00

Entire soccer field 14.00

Games

~~CBYSA, ENSA, and NSL field rental for soccer~~

~~Games~~ 5.35/game

Tennis Tournaments

Adult singles 20.00

Adult doubles 24.00

Junior singles 15.00

Junior doubles 20.00

Jr. Tennis Lessons

1 session (5 weeks) 1 Child 55.00 2 or more children in family 49.00/child

2 sessions (10 weeks) 98.00 45.00/child/session

Adult Indoor Volleyball 65.00/team

Adult Sand Volleyball 65.00/team

Youth Sand Volleyball 32.00/person

Bayliss Park Rental Fees:

Park (non-performance area) with or without electricity	50.00/2hours
Performance area	100.00/2 hours
Performance area with sound system	150.00/2 hours

*In addition to these fees, for some events the Director of Parks and Recreation shall collect a security deposit along with the permit fees to cover any negative impact an event may have on the park or its improvements. Proof of insurance may be required if deemed appropriate by the Director.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5946, Section 1 (2007).

SECTION 4. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

First Consideration: January 28, 2008
Second Consideration: _____
Public Hearing: _____
Third Consideration: _____

Council Communication

Department: Parks, Recreation and Public Property Department	Ordinance No. Resolution No. <u>2008-32</u>	Date: <u>February 11, 2008</u>
Case/Project No.		
Applicant: Ronald Hopp		

Subject/Title

Council consideration of a Public Hearing on the plans, specifications, and form of contract for the improvements to the East parking lot and sports field at the Council Bluffs Recreation Complex for February 11, 2008, at 7:00 P.M.

Background/Discussion

The city of Council Bluffs has already made a significant investment in the Council Bluffs Recreation Complex, and there are approximately 23 acres left to be developed in accordance with the master plan. There are currently extreme demands on the existing East parking lot and the soccer fields and expansion is necessary to keep up with demand and to provide relief to the existing soccer fields.

On October 22, 2007, the City Council authorized an agreement with HGM Associates Inc., for engineering services for the improvements at the Council Bluffs Recreation Complex. The elements of the improvement include the following:

- Construct addition to east side of existing soccer area parking lot including perimeter sidewalk and landscaping. Parking lot will be 6" of ACC over 6" granular sub-base with curb and gutter, and will provide an additional 150 parking stalls and an additional driveway entrance and entrance gate.
- Construct grading fill for remainder of complex site including soccer field areas as well as future concessions/playground area.
- Construct full irrigation system for new field areas. A new water main tap and new irrigation controller will be required. New water main tap will also supplement existing irrigation system significantly enhancing system operation.
- Provide sidewalks.
- Grading and seeding.
- Anticipate utility corridors to future concessions/playground area.
- The funding source is General Obligation Bonds as outlined in the CIP FY08-23.

Recommendation

I recommend that the City Council adopt the resolution.

Department Head Signature

Mayor Signature

40

RESOLUTION
NO. 2008-32

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
IMPROVEMENTS TO THE EAST PARKING LOT
AND SPORTS FIELD AT THE COUNCIL BLUFFS
RECREATION COMPLEX**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the improvements to the East parking lot and sports field at the Council Bluffs Recreation Complex and;

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on February 11, 2008.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the improvements to the East parking lot and sports field at the Council Bluffs Recreation Complex and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED: February 11, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Public Works	Ordinance No. _____	
Case/Project No.	Resolution No. <u>2008-33</u>	Date: <u>February 11, 2008</u>
Applicant.		
Subject/Title		
Disposal of 1.6 acres of City owned land adjacent to Lyman Richey Concrete Plant near the Council Bluffs Police Firing Range.		
Background/Discussion		
<p>Lyman Richey requests the City of Council Bluffs sell one acre of City-owned ground. The ground was purchased by the Sewer Department for land application of sludge.</p> <p>Since the purchase of the ground, the sewer treatment plant has converted to a dewatering process for sludge management. The dewatering process reduces the volume of sludge and allows longer temporary storage on concrete pads instead of in the digesters. The pad storage better accommodates the coordination of land application of sludge on farm fields. In general farm fields can only receive sludge before planting and after harvest.</p> <p>This City site is about 57 acres less about 15 acres occupied by the Police Training Facility. The ground is not critical to the sludge management program but does serve as an emergency back-up for sludge disposal.</p> <p>The area has been significant interest lately for redevelopment. The concrete plant may or may not be compatible with new and potential uses in the area.</p> <p>Consideration should be given to:</p> <ol style="list-style-type: none">1) The kind of user most desirable;2) the adjacent police training facility; and3) the value of the land		
Recommendation		
City Council is requested to decide if passage of Resolution 08-33 to dispose of this City property is in the best interests of the City.		

Department Head

Mayor Signature



4D

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-33

A RESOLUTION AUTHORIZING DISPOSAL OF APPROXIMATELY 1.6 ACRES OF CITY PROPERTY GENERALLY LOCATED PARALLEL TO AND IMMEDIATELY ADJACENT TO THE EASTERN EDGE OF PROPERTY OWNED BY COHRON READY MIX, LLC.

WHEREAS, Cohron Ready Mix made an offer to purchase approximately 1.6 acres located adjacent to the eastern edge of their property located at 10001 192nd Street in Council Bluffs; and

WHEREAS, following the mandated public hearing, this Council deems the sale of this property to be in the best interest of the City at the price offered by Cohron.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are authorized to execute the necessary property transfer documents upon receipt of payment.

ADOPTED
AND
APPROVED February 11, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

C.A. 2/11/08

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY08-05D
Applicant _____

Ordinance No. _____
Resolution No. 08-34

Council Action: February 11, 2008

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting March 11, 2008, at 10:00 a.m. as the date and time for the bid opening for So. 32nd Street Sanitary Sewer Improvements.

BACKGROUND/DISCUSSION

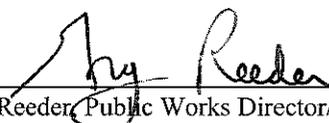
- So. 32nd Street sanitary sewer is a major trunk line with two 30" pipes that serve the Northwest area of the city.
- The So. 32nd Street sanitary sewer was constructed in 1961 and is very poor condition.
- New sanitary sewer has been constructed south of Nebraska Avenue to the I-80 Pump Station.
- This project will construct new sanitary sewer from Nebraska Avenue north to 14th Avenue.
- Future work will construct a new pipe under the UPRR just north of 14th Avenue.
- The project is FY08-05D in the CIP and has a budget of \$500,000 funded from sales tax revenue.
- The project is scheduled for construction in the summer of 2008.

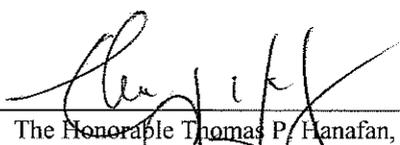
YE



RECOMMENDATION

Approval of this resolution.


Greg Reeder, Public Works Director/City Engineer


The Honorable Thomas P. Hanafan, Mayor

RESOLUTION
NO. 08-34

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
SO. 32ND STREET SANITARY SEWER IMPROVEMENTS
FY08-05D**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the So. 32nd Street Sanitary Sewer Improvements; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on February 11, 2008.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the So. 32nd Street Sanitary Sewer Improvements and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED February 11, 2008

Thomas P. Hanafan, Mayor

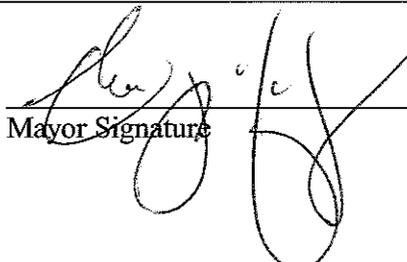
ATTEST: _____
Judith Ridgeley, City Clerk

Council Communication

Department:	Ordinance No.	
Case/Project No.	Resolution No. <u>08-35</u>	Date: February 11, 2008
Subject/Title		
A RESOLUTION TO RELEASE THE EASEMENTS RETAINED ON PROPERTY VACATED AND CONVEYED BY RESOLUTION NO. 94-256 ON OCTOBER 24, 1994.		
Background/Discussion		
Resolution No. 94-256 vacated and conveyed the two north-south alleys extending from 8 th to 9 th Avenue between South Main Street and South 6 th Street.		
Although easements were retained for utilities, no utilities are located on this property.		
It would be in the best interests of the City of Council Bluffs to release the easements retained by Resolution No. 94-256.		
Recommendation		
Dispose of easements retained by Resolution No. 94-256.		

Dick Wade, City Attorney

Department Head Signature



Mayor Signature

4F

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-35

A RESOLUTION authorizing release of the utility easements retained on property vacated and conveyed by Resolution No. 94-256 on October 24, 1994.

WHEREAS, a permanent and perpetual easement of way was granted to and reserved in the City of Council Bluffs on property, described as:

The two north/south alleys abutting Lots 1-8, Block 14, Hyatt's Subdivision, and
Lots 1-7, Block 2, Riddle's Subdivision to the City of Council Bluffs,
Pottawattamie County, Iowa; and

WHEREAS, following public hearing and being fully advised, this City Council hereby releases the utility easement on the property described above.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council does hereby authorize the release of the utility easement on the above-described property; and

BE IT FURTHER ADVISED

That the Mayor is hereby authorized to execute any documents necessary to release the easement.

ADOPTED
AND
APPROVED February 11, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Resolution No. 2008-35, passed and approved by the City Council for the City of Council Bluffs, Iowa, on the 11th day of February, 2008, authorized the release of the utility easement granted to and reserved in the City of Council Bluffs for property legally described as:

The two north/south alleys abutting Lots 1-8, Block 14, Hyatt's Subdivision, and Lots 1-7, Block 2, Riddle's Subdivision to the City of Council Bluffs, Pottawattamie County, Iowa.

NOW, THEREFORE, the City of Council Bluffs, Iowa, by its duly authorized officers, does hereby release any and all rights and interest in the above-described utility easement.

IN WITNESS WHEREOF, this instrument has been executed on this 11th day of February, 2008.

CITY OF COUNCIL BLUFFS, IOWA

By: _____
THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

STATE OF IOWA)
COUNTY OF) ss.
POTTAWATTAMIE)

On this _____ day of _____, 2008, before me the undersigned, a notary public in and for said county and state, personally appeared Thomas P. Hanafan and Judith Ridgeley, to me personally known, who, being by me duly sworn, did state that they are the Mayor and City Clerk, respectively, of the said City of Council Bluffs, Iowa, a municipal corporation, that the seal affixed hereto is the seal of said municipal corporation, that said instrument was signed and sealed on behalf of said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and Judith Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State